

**REGULAR MEETING
CITY COUNCIL
NOVEMBER 4, 2004**

ROLL CALL:

MR. WOJCIK, MR. JUDGE, MR. DUNNE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law No. 10 Date November 4, 2004
Introduced by Council Member Collier
At the request of Administration Seconded by

Referred to Planning Board

LOCAL LAW ENACTING HOOSICK STREET ZONING

§ 1. Hoosick Street Zoning is enacted to read as follows:

SEE PAGES "1" THROUGH "18"

Approved as to form, September 15, 2004

Corporation Counsel

Ordinance No. 1 Date November 4, 2004
Introduced by Council Member Wojcik
At the request of Administration Seconded by Collier

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY
AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

| | |
|--------------|-------------|
| John Crowley | 100.60-4-12 |
| John Crowley | 100.60-4-13 |

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced settlement and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to Form, October 14, 2004

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Judge

Abstain: 0

To Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 2 **Date** November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Judge

ORDINANCE AUTHORIZING THE MAYOR TO SIGN AGREEMENT, ESTABLISH A SPECIAL GRANT FUND PROJECT TO RECOGNIZE REVENUES RECEIVED, AND AUTHORIZING MAYOR TO SOLICIT GOODS AND SIGN CONTRACTS RELATED TO FEDERAL ENVIRONMENTAL PROTECTION AGENCY – BROWNFIELDS ASSESSMENT GRANT PROGRAM

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Mayor, on behalf of the City of Troy is herein authorized and directed to enter into an agreement with the federal government's Environmental Protection Agency under the EPA's Brownfields Assessment Grant Program.

Section 2. There is herein established a Capital Project Fund Budget to recognize revenues received from the New York State Office of Local Government Assistance as set forth in Schedule A entitled

Brownfield Assessment Grant Program – Sperry & Alamo

Which is attached hereto and made a part hereof.

Section 3. The Mayor is herein authorized and directed to comply with the provisions of the City's procurement policy in soliciting contracts for goods and services, including professional services, to carry out the projects described in the capital fund. After complying with the provisions of the City's procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the projects described in the capital fund, but only if the city's financial obligations under said contracts are consistent with the appropriation herein made.

Section 4. This act will take effect immediately.

Approved as to form, October 13th, 2004

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 3 **Date** November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Krogh

**ORDINANCE AMENDING THE 2004 CITY BUDGET TO AUTHORIZE THE TRANSFER
OF FUNDS TO MODIFY APPROPRIATIONS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2004 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule "A" entitled

"November Budget Amendment"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, October 15, 2004

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor 11-08-04 for Executive Action – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 4 **Date** November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Armet

**ORDINANCE APPROVING THE AGREEMENT BY AND BETWEEN
THE CITY OF TROY AND THE COUNTY OF RENSSELAER FOR
SNOW REMOVAL AND ICE CONTROL ON OAKWOOD AVENUE**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Mayor of the City of Troy, New York, is hereby authorized and empowered to execute, on behalf of said City, an Agreement with the County of Rensselaer for snow removal and ice control by the City on a specified portion of Oakwood Avenue located outside the corporate limits of said City as provided in such Agreement.

Section 2. A copy of the Agreement is attached hereto and made a part hereof.

Approved as to form, October 22, 2004

David B. Mitchell, Corporation Counsel

Ordinance Amended page 5 of back up to read Grant Avenue (replacing Grant Street) – Motion to amend by Collier; seconded by Judge; adopted 9/0.

Amended Ordinance ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 1 Date November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Armet

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing November 4, 2004 through November 3, 2006:

Theresa M. Dickinson
Joseph Connors

14 Sanford Avenue
25 Stratton Circle

Approved as to form, October 15, 2004

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

Resolution No. 2 Date November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Collier

**RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE AN AGREEMENT WITH RENSSELAER COUNTY ON THE ALLOCATION OF
SALES AND USE TAX REVENUE**

Whereas, there now exists a contract for the allocation of payments made by New York State to the County of Rensselaer for the local share of the county-wide sales and use tax; and

Whereas, said contract will expire on November 30, 2004; and

Whereas, the City of Troy and the County of Rensselaer want to enter a new agreement for a term beginning on December 1, 2004 and ending on November 30, 2009; and

Whereas, it is in the City's best interest to enter said agreement; Now therefore,

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to execute an agreement with the County of Rensselaer for the allocation of payments made by New York State to the County of Rensselaer for the local share of the county-wide sales and use tax, in substantially the form of the attached.

Approved as to form, October 15, 2004

David Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 3 **Date** November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Messick

RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE AN AGREEMENT WITH RENSSELAER COUNTY FOR THE CITY OF TROY TO
COLLECT COUNTY TAXES, INTEREST AND PENALTIES FOR THOSE PROPERTY PARCELS
LOCATED WITHIN THE CITY OF TROY LIMITS

Whereas, there now exists a contract for the collection of County taxes, interest, and penalties for those property parcels located within the City limits; and

Whereas, said contract will expire on December 31, 2004; and

Whereas, the City of Troy and the County of Rensselaer want to enter a new agreement for a term beginning on January 1, 2005 and ending on December 31, 2009; and

Whereas, it is in the City's best interest to enter said agreement; Now therefore,

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to execute an agreement with the County of Rensselaer for the collection of County taxes, interest, and penalties for those property parcels located within the City limits, in substantially the form of the attached.

Approved as to form, October 15, 2004

David Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 4 Date November 4, 2004
Introduced by Council Member Armet
At the request of Administration Seconded by Judge

**RESOLUTION AUTHORIZING PARTICIPATION IN CAPITAL DISTRICT
URBAN/TECHNICAL SEARCH AND RESCUE TEAM (UTSAR TEAM)**

WHEREAS, the City of Troy, New York recognizes the need to prepare for natural and man-made disasters and recognizes the need for trained technical rescue specialists; and

WHEREAS, the New York State Department of State Office of Fire Prevention and Control provides the coordination, funding, training and administrative support for the Capital District Urban/Technical Search and Rescue Team (UTSAR Team); and

WHEREAS, the UTSAR Team is an urban search and rescue team, formed, pursuant to General Municipal Law § 209-bb, to provide qualified rescue specialists and specialized rescue equipment readily available for rapid assembly and deployment to the scene of an emergency; and

WHEREAS, the UTSAR Team members have received specialized training and equipment to respond to specialized technical rescue situations; and

WHEREAS, the City of Troy, New York desires to continue its membership on the UTSAR Team and supports the participation of its employees/volunteers in the training and deployment of the UTSAR Team.

NOW THEREFORE BE IT RESOLVED, that employees of the City of Troy, New York are authorized to act on behalf of the City of Troy, New York by participating as members of the UTSAR Team and to complete and maintain the necessary training and deployment of the UTSAR Team under the coordination of the New York State Department of State Office of Fire Prevention and Control; and

BE IF FURTHER RESOLVED, that, in accordance with the applicable provisions of General Municipal Law § 209-bb, the City of Troy, New York agrees to provide defense and indemnification coverage pursuant to Public Officers § 18 and/or other defense and indemnification coverage provided by the City and workers compensation coverage pursuant to applicable provisions of the Workers Compensation Law for said employees while participating on the UTSAR Team.

Approved as to form, October 22, 2004

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor for Executive Action 11-08-04 – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 5 **Date** November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Krogh

**Resolution Authorizing the Mayor to Enter into a
Memorandum of Understanding to Redevelop the Congress-Ferry Street Corridor**

WHEREAS, the City of Troy, New York, County of Rensselaer, New York, Troy Housing Authority, and Rensselaer Polytechnic Institute (the “sponsors”) will undertake a good faith effort to sponsor redevelopment of the Congress-Ferry Street Corridor in the City of Troy.

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby authorize the Mayor to enter into a Memorandum of Understanding to Redevelop the Congress-Ferry Street Corridor, a copy of said memorandum annexed hereto.

Approved as to form, October 15, 2004

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

Abstain: 0

Sent to Mayor 11-08-04 for Executive Action – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 6 **Date** November 4, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Judge

**RESOLUTION CONFIRMING THE APPOINTMENT OF
DAVID B. MITCHELL AS CORPORATION COUNSEL**

**WHEREAS, Section C-51 of the Troy City Charter states that all appointments by the
Mayor shall be made in writing and filed in the Office of City Clerk; and**

WHEREAS, Section C-50 of the Troy City Charter states that the Mayor's appointment of all department heads shall be subject to confirmation by the City Council; and

WHEREAS, the Troy City Charter states that there shall be a Corporation Counsel; and

WHEREAS, the Mayor has appointed David B. Mitchell to the position of Corporation Counsel; and

WHEREAS, Mr. Mitchell appears to the City Council to be well qualified for the position of Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby confirm the Mayor's appointment of David B. Mitchell to the position of Corporation Counsel.

Approved as to form, October 21, 2004

George Schindler, Deputy Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Sent to Mayor 11-08-04 for Executive Action – Approved, returned 11-12-04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION